



U.S. Department of Justice

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July 18, 2025

VIA PACER

Honorable John L. Sinatra, Jr.
United States District Judge
2 Niagara Square
Buffalo, NY 14202

RE: **United States v. Michael Masecchia**
19-CR-227

Dear Judge Sinatra:

Currently pending is the government's motion for reconsideration, *see* ECF No. 1561, of the Court's order granting the defendant compassionate release, *see* ECF No. 1556. On July 14, 2025, the defendant filed his response in opposition to the government's motion for reconsideration, *see* ECF No. 1587, and on July 15, 2025, the defendant supplemented his response with Exhibit E, *see* ECF No. 1592, which purports to be a copy of a letter from the Warden at Butner FCI denying Mr. Masecchia's request for compassionate release.

Due to the record pertaining to the existence or non-existence of the Warden's letter, which is set forth in the government's motion for reconsideration, *see* ECF No. 1561 at 3-12, the government sent a copy of Exhibit E to the Bureau of Prison's (BOP) to verify its authenticity.

On July 18, 2025, despite previously advising that Butner FCI had no record of either Mr. Masecchia's request or the Warden's response, BOP counsel advised that Butner FCI has confirmed the authenticity of Warden's letter. *See* Exhibit E, ECF No. 1592.

As a result, the government withdraws the argument in its motion for reconsideration related to the exhaustion requirement and the claims processing rule, *see* ECF 1561, Section III (A) at pages 9 through 12, but continues to request reconsideration based upon its

arguments related to extraordinary and compelling circumstances and the 18 U.S.C. § 3553(a) factors.

Very truly yours,

MICHAEL DIGIACOMO
United States Attorney

BY: s/JOSEPH M. TRIPI
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